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NOTICE OF ALLOWANCE AND FEE(S) DUE

38077

7590

10/19/2009

PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 10/19/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,912

08/22/2003

Kenneth Shanton

80006-00076

1605

TITLE OF INVENTION: POINT-OF-PURCHASE DISPLAY WITH RFID INVENTORY CONTROL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/19/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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10/19/2009

PATRICK W. RASCHE
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 ONE METROPOLITAN SQUARE, SUITE 2600
 ST. LOUIS, MO 63102-2740

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,912	08/22/2003	Kenneth Shanton	80006-00076	1605

TITLE OF INVENTION: POINT-OF-PURCHASE DISPLAY WITH RFID INVENTORY CONTROL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/19/2010
EXAMINER		ART UNIT	CLASS-SUBCLASS			
CHAMPAGNE, LUNA		3627	705-022000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 783 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 783 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/646,912	SHANTON, KENNETH	
	Examiner	Art Unit	
	LUNA CHAMPAGNE	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the correspondence received on 7/27/09.

2. ☒ The allowed claim(s) is/are 1,3-5,7-10,14,17,19-28.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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/Luna Champagne/ Examiner, Art Unit 3627	/F. Ryan Zeender/ Supervisory Patent Examiner, Art Unit 3627
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DETAILED ACTION

For the record, the After Final Amendment to the claims submitted on 7/27/09 was not entered.

Claims 2, 6, 11, 12, 13, 15, 16, 18, are cancelled. Claims 1, 3-5, 7-10, 14, 17, 19-28 are allowed.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Attorney Daniel M. Fitzgerald, on August 28, 2009. The application has been amended as follows:

2. In claim 1, the language from lines 6-7:

"the display stand further having at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall;"

was changed to

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-- the display stand further having at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall, wherein the at least one bottom wall, side wall, back wall, top wall and front wall being fabricated at least in part from corrugated paperboard comprising a plurality of layers of paper; --

3. In claim 1, the language from lines 11-12:

“a single radio frequency antenna printed on a material forming at least one of the bottom wall, the side wall, the back wall, the top wall, and the front wall;”

was changed to

-- a single radio frequency antenna embedded within the corrugated paperboard between juxtaposed layers of paper; --

4. In claim 5, the language from lines 1-4:

“The system according to claim 1, wherein the at least one radio frequency antenna is printed on the material of the portable display stand with metallic ink.”

was changed to

-- The system according to claim 1, wherein the at least one radio frequency antenna is printed with metallic ink on one of the layers of paper. --

5. In claim 9, the language from lines 3-6 :

"a portable display stand, having at least one shelf, operably configured to support an article being displayed for sale positioned thereon, the portable display stand substantially fabricated from paperboard; the display stand further comprising; at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall;"

was changed to

-- a portable display stand, having at least one shelf, operably configured to support an article being displayed for sale positioned thereon, the portable display stand substantially fabricated from paperboard comprising a plurality of layers of paper, the display stand further comprising at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall; --

6. In claim 9, the language from lines 10-12 :

"at least one radio frequency antenna, printed on the paperboard of at least one of the bottom wall, the side wall, the back wall, the top wall, and the front wall; and"

was changed to

-- at least one radio frequency antenna embedded within the paperboard between juxtaposed layers of paper of at least one of the bottom wall, the side wall, the back wall, the top wall, and the front wall; and --

7. In claim 10, the language from lines 4-10:

“a portable display stand, having at least one shelf, operably configured to support the at least one article thereon, the portable display stand configured to be collapsible, the portable display stand further comprising at least one of a bottom wall, a side wall, a back wall, a top wall, and a front wall; and

at least one radio frequency (RF) antenna in contact with the back wall, the at least one RF antenna embedded in a material forming said portable display stand, wherein the at least one RF antenna is configured to:”

was changed to

-- a portable display stand, having at least one shelf, operably configured to support the at least one article thereon, the portable display stand configured to be collapsible, the portable display stand further comprising at least one of a bottom wall, a side wall, a back wall, a top wall, and a front wall, wherein at least the back wall comprises a plurality of layers, each layer fabricated from at least one of a foam core, paperboard, and corrugated paperboard; and

at least one radio frequency (RF) antenna embedded between juxtaposed layers of the back wall, wherein the at least one RF antenna is configured to: --

8. In claim 19, the language from lines 1-2:

“A system according to claim 17, wherein the at least one wire is printed on the material from which the portable display stand is fabricated.”

was changed to

-- A system according to claim 17, wherein the at least one wire is printed on the portable display stand. —

9. In claim 25, the language from lines 3-8:

“a portable display stand comprising corrugated paperboard configured to be collapsible, the display stand including a plurality of shelves configured to support an article being displayed for sale thereon, the display stand further comprising a back wall opposing an open display front,

a single radio frequency antenna embedded within a material from which said portable display stand is fabricated;”

was changed to

-- a portable display stand comprising corrugated paperboard configured to be collapsible, the display stand including a plurality of shelves configured to support an article being displayed for sale thereon, the display stand further comprising a back wall

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opposing an open display front, the corrugated paperboard having a fluted paperboard layer positioned between an interior paperboard layer and an exterior paperboard layer;

a single radio frequency antenna embedded within flutes of the fluted paperboard layer; --

10. Claim 13 was cancelled

REASONS FOR ALLOWANCE

11. The following is an examiner's statement of reasons for allowance:

Re claim 1, Garber et al. teach a display stand having at least one of bottom wall, a side wall, a back wall, a top wall, a front wall; at least one article, operably configured to be positioned on the at least one shelf; the at least one article containing a radio frequency identification tag.

However Garber et al. lack the specific teaching of a single RF antenna embedded within the corrugated paperboard between juxtaposed layers of paper.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

A Non Patent Literature search was conducted.

The article "Wal-Mart leading RFID charge; Bar code successor seen speeding board range of retail operations" by John Cox, published June 16, 2003, teaches an RFID consisting of a microchip and an antenna pressed between cardboard layers in a carton for each item.

However, the article does not explicitly teach that the portable display includes a single radio frequency antenna with the at least one shelf.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

Re claim 25, Garber et al. teach a portable display stand including a plurality of shelves configured to support an article being displayed.

However Garber et al. lack the specific teaching of the portable display stand comprising corrugated paperboard configured to be collapsible, and a single RF antenna embedded within flutes of the fluted paperboard layer.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

A Non Patent Literature search was conducted.

The article "Wal-Mart leading RFID charge; Bar code successor seen speeding board range of retail operations" by John Cox, published June 16, 2003, teaches an RFID consisting of a microchip and an antenna pressed between cardboard layers in a carton for each item.

However, the article lacks the teaching wherein the display stand further comprises corrugated paperboard configured to be collapsible, and a single RF antenna embedded within flutes of the fluted paperboard layer.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday–Friday, 8:30 – 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

September 3, 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627